



**Permanent Select Committee
on Intelligence
U.S. House of Representatives**

July 22, 2020

The Honorable Chad F. Wolf
Acting Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

The Honorable Brian Murphy
Acting Under Secretary
Office of Intelligence and Analysis
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Acting Secretary Wolf and Acting Under Secretary for Intelligence and Analysis Murphy:

Troubling media accounts suggest that the Department of Homeland Security's (DHS or the Department) Office of Intelligence and Analysis (I&A) and certain other Department components may be engaging in unprecedented, "expanded" intelligence and related activities — in support of a policy that exceeds the Department's historical mission, and contrary to constitutionally-protected rights of speech, assembly, and peaceful protest. Such accounts are especially disturbing as Americans are learning about the Administration's unilateral deployment of federal officers, many apparently from DHS components, in Portland over the objections of state and local officials. These DHS officers reportedly have been wearing camouflage — according to the *New York Times*, also without obvious markings or identification — using unmarked vehicles, and detaining peaceful protestors without clear authority or cause.¹

I thus write to request information about any such activities the Department, I&A, the Homeland Security Intelligence Enterprise, or any of the Department's other components may have undertaken or plan to undertake, or for which support has been requested or suggested, in connection with President Trump's Executive Order on Protecting American Monuments, Memorials, and Statues and Combating Recent Criminal Violence (Executive Order).²

¹ *Federal Agents Unleash Militarized Crackdown on Portland*, The New York Times, July 17, 2020, <https://www.nytimes.com/2020/07/17/us/portland-protests.html?referringSource>; "It Was Like Being Preyed Upon": Portland Protesters Say Federal Officers in Unmarked Vans are Detaining Them, The Washington Post, July 17, 2020, <https://www.washingtonpost.com/nation/2020/07/17/portland-protests-federal-arrests/>.

² *Executive Order on Protecting American Monuments, Memorials, and Statues and Combating Recent Criminal Violence*. The White House. June 26, 2020. <https://www.whitehouse.gov/presidential-actions/executive-order-protecting-american-monuments-memorials-statues-combating-recent-criminal-violence/>.

On July 20, *the Washington Post*³ reported that the Department "has authorized its personnel to collect information on protesters who threaten to damage or destroy public memorials and statues, regardless of whether they are on federal property, a significant expansion of authorities that have historically been used to protect landmarks from terrorist attacks." The document underlying this account, allegedly obtained by the *Post*, has been described as a "job aid" for personnel implementing the Executive Order "targeting protesters who threatened to remove statues honoring Confederate officers and other people they consider racist."

Along similar lines, *Lawfare*⁴ that same day described an unclassified memorandum titled, "Job Aid: DHS Office of Intelligence & Analysis Activities in Furtherance of Protecting American Monuments, Memorials, Statues, and Combatting Recent Criminal Violence." According to *Lawfare*, the memorandum, which contains legal guidance regarding I&A's "expanded" intelligence activities in support of the Executive Order, "covers significantly *more* than just planned attacks on federal personnel or facilities. It appears also to include planned vandalism of Confederate (and other historical) monuments and statues, whether federally owned or not."

If true, this marks a significant change. So far as the Committee is aware, never before has the Department sought to so aggressively counter potential threats of graffiti, vandalism, or other minor damage to monuments, memorials, statutes, and federal buildings – including those not found on federal lands – in the same fashion as it would seek to counter acknowledged threats to U.S. homeland security, such as terrorism, significant cyber intrusions, or attacks against federal facilities or personnel. Nor is the Committee aware that the Department has ever sought to use and so distort its existing authorities to protect such facilities and personnel as justification for directing its limited intelligence authorities to collect information on and to target persons exercising their legal rights and engaging in activity protected under the First Amendment.

To carry out its authorized responsibilities, the House Permanent Select Committee on Intelligence (Committee) thus respectfully requests that, on or before **12 p.m. on Friday, July 24, 2020**, you provide to the Committee:

1. As the Department has committed, a briefing on the allegations raised in the *Washington Post* and *Lawfare* accounts;
2. Unredacted copies of all documents, communications or other materials, regardless of form, produced by or in the custody or control of the Department, I&A, the Homeland Security Intelligence Enterprise, or any Department component, regarding any Department intelligence activities undertaken, requested or planned in connection with the implementation of or support for the Executive Order, including:

³ *DHS authorizes personnel to collect information on protesters it says threaten monuments*, The Washington Post, July 20, 2020. https://www.washingtonpost.com/national-security/dhs-authorizes-personnel-to-collect-information-on-protesters-it-says-threaten-monuments/2020/07/20/6f58867c-cace-11ea-b0e3-d55bda07d66a_story.html.

⁴ *DHS Authorizes Domestic Surveillance to Protect Statues and Monuments*. Lawfare. July 20, 2020. <https://www.lawfareblog.com/dhs-authorizes-domestic-surveillance-protect-statues-and-monuments>.

- a. All memoranda, job aids, and other documents or communications regarding such intelligence activities, to include any legal guidance or analysis of the legal basis for such activities;
 - b. In addition to finished intelligence products already made available to the Committee, all other intelligence products, intelligence reports or other intelligence information collected or otherwise obtained or generated by Department components in connection with implementation of or support for the Executive Order and deployment of DHS officers to Portland and other areas;
 - c. The Department's information or intelligence requirements, and any attendant collection plans or activity.
3. All e-mails, memoranda, or other communications or documents, regardless of form, between the Department and any of its components, and the Department of Justice or the White House, regarding Department intelligence activities undertaken, requested or planned in connection with implementation of or support for the Executive Order.

You are required by law to fulfill these requests. 50 U.S.C. § 3092 obligates the heads of Departments involved in intelligence activities to keep the Committee fully and currently informed of such activities. The statute further obligates such officials, on the Committee's request, to provide "any information or material concerning intelligence activities (including the legal basis under which the intelligence activity is being or was conducted)."

The American people deserve, and expect, that the Intelligence Community and DHS will scrupulously honor obligations to respect civil liberties when conducting the vital mission of keeping our nation safe. At this key moment in our history, it is critical that the public retains confidence and trust in the Intelligence Community and federal law enforcement. The Homeland Security Intelligence Enterprise, sitting uniquely at the intersection of these two institutions, has a special obligation in this regard.

Thank you for your timely cooperation.

Sincerely,



Adam B. Schiff
Chairman

cc: The Honorable Devin Nunes
Ranking Member